

Rosemary Westwood
3014 Dauphine Street
New Orleans, LA
70117

Mar. 26, 2019

Custodian of Records
Arizona Department of Health Services

Dear Sir/Madam:

Under the Arizona Public Records Law § 39.101 et seq., I am requesting an opportunity to inspect or obtain copies of the following public records:

1. All documents reflecting communications, including but not limited to emails, attachments, text messages, letters, call logs and/or notes from telephone calls or meetings, with any individual at the following offices at the Arizona Department of Health Services: the Office of the Director; the Division of Licensing Services; the Administrative Counsel and Rules; AND any representative of Arizona Right to Life, the Center for Arizona Policy or the Arizona Catholic Conference, from January 1, 2018 through February 28, 2019.
2. All documents reflecting communications, including but not limited to emails, attachments, text messages, letters, call logs and/or notes from telephone calls or meetings, with any individual at following offices at the Arizona Department of Health Services: the Office of the Director; and the Office of Women's Health; AND any representative of Arizona Right to Life, the Center for Arizona Policy or the Arizona Catholic Conference REGARDING the creation of the "Women's Right to Know" booklet, which can be found at:
(<https://www.azdhs.gov/documents/prevention/womens-childrens-health/informed-consent/a-womans-right-to-know.pdf>). (dates were Mar. 21, 2014 to Jan 1 2016.)

If there are any fees for searching or copying these records, please inform me. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of health department work. I am requesting this information as a contract writer for Pacific Standard magazine, a national news organization. This information is not being sought for commercial purposes.

Please respond to this request in a reasonable time period. If access to the records I am requesting will take longer, please contact me with information about when I might expect copies or the ability to inspect the requested records.

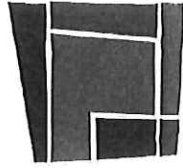
If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Please provide the records in their native electronic format. They may be transmitted to me by email at rosemarywestwood@gmail.com. In the alternative, you may provide a link to a file-sharing site (such as Box, Dropbox, Accellion, etc.) to that same email address. If the responsive records are too large to email and you do not have access to a file-sharing service, please contact me, and I will send you a link to a file-sharing site where you can upload the records at no cost.

Please let me know if you have any questions. I appreciate your time and consideration.

Sincerely,

Rosemary Westwood
504.919.9465
rosemarywestwood@gmail.com



ARIZONA DEPARTMENT
OF HEALTH SERVICES
POLICY & INTERGOVERNMENTAL AFFAIRS

April 11, 2019

Sent Via Electronic Mail

Rosemarry Westwood
Pacific Standard Magazine
rosemarywestwood@gmail.com

RE: Public Records Request – Woman's Right to Know

Dear Ms. Westwood:

On behalf of the Arizona Department of Health Services ("ADHS"), I am responding to your March 26, 2019 public records request ("Request"). In your Request, you ask for all documents reflecting communications with:

1. Any individual at the following offices at [ADHS]: the Office of the Director; the Division of Licensing Services; the Administrative Counsel and Rules; AND any representative of Arizona Right to Life, the Center for Arizona Policy or the Arizona Catholic Conference, from January 1, 2018 through February 28, 2019; and
2. Any individual at the following offices at [ADHS]: the Office of the Director; the Office of Women's Health; AND any representative of Arizona Right to Life, the Center for Arizona Policy or the Arizona Catholic Conference REGARDING the creation of the "Women's Right to Know" booklet.

In response to portion 1 of your Request, ADHS gathered and is attaching 58 pages of responsive records. With regard to Portion 2 of your Request, please note that ADHS was unable to locate any responsive communications. Because no copies were made, there is no charge associated with the attached records.

If you have any questions regarding this response, please contact the Division of Policy and Intergovernmental Affairs, Administrative Counsel and Rules, at 602-542-1020.

Sincerely,

Robert Lane, Office Chief
Division of Policy and Intergovernmental Affairs, Administrative Counsel and Rules

cc: Chris Minnick, Arizona Department of Health Services

Douglas A. Ducey | Governor Cara M. Christ, MD, MS | Director

Robert Lane

From: Cathi Herrod <CHerrod@azpolicy.org>
Sent: Sunday, January 7, 2018 2:12 PM
To: colby.bower@azdhs.gov; Shannon Whiteaker (Shannon.Whiteaker@azdhs.gov)
Cc: Nancy Barto; Michael Clark
Subject: Abortion Reporting Requirements --Folder 1025 Rough Draft from Michele Hanigsberg

Greetings:

Attached please find a draft of a bill making changes to Arizona's abortion reporting requirements. The changes largely are modeled after ones passed in Minnesota and Oklahoma after Arizona passed the initial law several years ago.

We would appreciate any thoughts you have from DHS's perspective regarding the requirements. The intro set has not yet been requested.

For the attached draft, we see these needed edits:

1. Page 1, lines 38 and 39 are not in caps or blue
2. Page 3, lines 18, 24 were changed to "of those women" from the draft's "of those numbers," but then was kept as "of those numbers" in line 32. Seems like it should be changed to "of those women" to keep it consistent.

Thanks!

Cathi

Cathi Herrod
President



602-424-2525 | Fax: 602-424-2530
cherrod@azpolicy.org | www.azpolicy.org

From: Charlene Vossler [<mailto:CVossler@azleg.gov>]
Sent: Wednesday, January 3, 2018 11:45 AM
To: Nancy Barto <NBarto@azleg.gov>; Cathi Herrod <CHerrod@azpolicy.org>; Cherie Stone <cstone@azleg.gov>
Subject: Folder 1025 Rough Draft from Michele Hanigsberg

Rough Draft
January 03, 2018 08:58 AM
Folder 1025, Drafter MICHELE J. HANIGSBERG

REFERENCE TITLE: DHS; reporting; abortions

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

S. B. _____

Introduced by _____

AN ACT

AMENDING SECTION 36-2161, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 20, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2162.01; AMENDING SECTION 36-2163, ARIZONA REVISED STATUTES; RELATING TO ABORTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 36-2161, Arizona Revised Statutes, is amended to
3 read:
4 36-2161. Abortions; reporting requirements
5 A. A hospital or facility in this state where abortions are
6 performed must submit to the department of health services on a form
7 prescribed by the department a report of each abortion performed in the
8 hospital or facility. The report shall not identify the individual
9 patient by name but must include the following information:
10 1. The name and address of the facility where the abortion was
11 performed.
12 2. The type of facility where the abortion was performed.
13 3. The county where the abortion was performed.
14 4. The woman's age.
15 5. The woman's educational background by highest grade completed
16 and, if applicable, level of college completed.
17 6. The county and state in which the woman resides.
18 7. The woman's race and ethnicity.
19 8. The woman's marital status.
20 9. The number of prior pregnancies and prior abortions of the
21 woman.
22 10. The number of previous spontaneous terminations of pregnancy of
23 the woman.
24 11. The gestational age of the unborn child at the time of the
25 abortion.
26 12. The reason for the abortion, including ~~whether the abortion is~~
27 ~~elective or due to maternal or fetal health considerations~~ AT LEAST ONE OF
28 THE FOLLOWING:
29 (a) ECONOMIC REASONS.
30 (b) THE WOMAN DOES NOT WANT CHILDREN AT THIS TIME.
31 (c) THE WOMAN'S EMOTIONAL HEALTH IS AT STAKE.
32 (d) THE WOMAN'S PHYSICAL HEALTH IS AT STAKE.
33 (e) THE WOMAN WILL SUFFER SUBSTANTIAL IMPAIRMENT OF A MAJOR BODILY
34 FUNCTION IF THE PREGNANCY CONTINUES.
35 (f) THE PREGNANCY WAS THE RESULT OF RAPE.
36 (g) THE PREGNANCY WAS THE RESULT OF INCEST.
37 (h) THE PREGNANCY RESULTED IN FETAL ANOMALIES.
38 (i) Any other reason. The form shall contain space for a
39 description of the reason.
40 (j) UNKNOWN OR THE WOMAN REFUSED TO ANSWER.
41 13. The type of procedure performed or prescribed and the date of
42 the abortion.
43 14. Any preexisting medical conditions of the woman that would
44 complicate pregnancy and any known medical complication that resulted from
45 the abortion.

1 15. The basis for any medical judgment that a medical emergency
2 existed that excused the physician from compliance with the requirements
3 of this chapter.

4 16. The physician's statement if required pursuant to section
5 36-2301.01.

6 17. If applicable, the weight of the aborted fetus for any abortion
7 performed pursuant to section 36-2301.01.

8 18. Whether a fetus or embryo was delivered alive as defined in
9 section 36-2301 during or immediately after an attempted abortion and the
10 efforts made to promote, preserve and maintain the life of the fetus or
11 embryo pursuant to section 36-2301.

12 19. Statements by the physician and all clinical staff who observed
13 the fetus or embryo during or immediately after the abortion certifying
14 under penalty of perjury that, to the best of their knowledge, the aborted
15 fetus or embryo was not delivered alive as defined in section 36-2301.

16 20. THE MEDICAL SPECIALTY OF THE PHYSICIAN PERFORMING THE ABORTION.

17 21. THE TYPE OF ADMISSION FOR THE PATIENT, INCLUDING WHETHER THE
18 ABORTION WAS PERFORMED AS AN OUTPATIENT PROCEDURE IN AN ABORTION CLINIC,
19 AS AN OUTPATIENT PROCEDURE AT A HOSPITAL, AS AN INPATIENT PROCEDURE AT A
20 HOSPITAL OR AS AN OUTPATIENT PROCEDURE AT A HEALTH CARE INSTITUTION OTHER
21 THAN AN ABORTION CLINIC OR HOSPITAL.

22 22. WHETHER THE ABORTION WAS PERFORMED WITHIN THE SCOPE OF
23 EMPLOYMENT OF AN EMPLOYEE OF THIS STATE OR AN EMPLOYEE OF AN AGENCY OR
24 POLITICAL SUBDIVISION OF THIS STATE AND, IF SO, THE BASIS FOR ANY MEDICAL
25 JUDGMENT THAT THE ABORTION WAS NECESSARY TO SAVE THE LIFE OF THE MOTHER IN
26 COMPLIANCE WITH SECTION 35-196.02.

27 23. WHETHER THE ABORTION WAS PERFORMED WITH THE USE OF ANY PUBLIC
28 INSTITUTION, PUBLIC FACILITY OR PUBLIC EQUIPMENT OR OTHER PHYSICAL ASSET
29 OWNED, LEASED OR CONTROLLED BY THIS STATE OR AN AGENCY OR POLITICAL
30 SUBDIVISION OF THIS STATE AND, IF SO, THE BASIS FOR ANY MEDICAL JUDGMENT
31 THAT THE ABORTION WAS NECESSARY TO SAVE THE LIFE OF THE MOTHER IN
32 COMPLIANCE WITH SECTION 35-196.02.

33 24. WHETHER ANESTHESIA WAS ADMINISTERED TO THE MOTHER AND, IF SO,
34 WHAT TYPE WAS USED.

35 25. WHETHER ANESTHESIA WAS ADMINISTERED TO THE UNBORN CHILD AND, IF
36 SO, WHAT TYPE WAS USED.

37 B. The report must be signed by the physician who performed the
38 abortion or, if a health professional other than a physician is authorized
39 by law to prescribe or administer abortion medication, the signature and
40 title of the person who prescribed or administered the abortion
41 medication. The form may be signed electronically and shall indicate that
42 the person who signs the report is attesting that the information in the
43 report is correct to the best of the person's knowledge. The hospital or
44 facility must transmit the report to the department within fifteen days
45 after the last day of each reporting month.

1 C. Any report filed pursuant to this section shall be filed
2 electronically at an internet website that is designated by the department
3 unless the person required to file the report applies for a waiver from
4 electronic reporting by submitting a written request to the department.

5 Sec. 2. Title 36, chapter 20, article 2, Arizona Revised Statutes,
6 is amended by adding section 36-2162.01, to read:

7 36-2162.01. Informed consent; reporting requirements

8 A. A PHYSICIAN IN THIS STATE WHO PROVIDES INFORMED CONSENT
9 INFORMATION REGARDING ABORTION PURSUANT TO SECTION 36-2153 OR PERFORMS
10 FETAL ULTRASOUND IMAGING AND AUSCULTATION OF FETAL HEART TONE SERVICES
11 PURSUANT TO SECTION 36-2156 OR WHO DELEGATES TO A PERSON AUTHORIZED BY
12 SECTION 36-2153 OR 36-2156 THE DUTY TO PROVIDE THE INFORMATION OR SERVICES
13 REQUIRED BY THOSE SECTIONS SHALL SUBMIT TO THE DEPARTMENT OF HEALTH
14 SERVICES ON A FORM PRESCRIBED BY THE DEPARTMENT A REPORT THAT INCLUDES THE
15 FOLLOWING INFORMATION:

16 1. THE NUMBER OF WOMEN TO WHOM THE PHYSICIAN PROVIDED THE
17 INFORMATION DESCRIBED IN SECTION 36-2153, SUBSECTION A, PARAGRAPH 1, AND,
18 OF THOSE WOMEN, THE NUMBER PROVIDED IN THE CAPACITY OF A REFERRING
19 PHYSICIAN AND THE NUMBER PROVIDED IN THE CAPACITY OF A PHYSICIAN WHO IS TO
20 PERFORM THE ABORTION.

21 2. THE NUMBER OF WOMEN TO WHOM THE PHYSICIAN, PHYSICIAN ASSISTANT,
22 NURSE, PSYCHOLOGIST OR LICENSED BEHAVIORAL HEALTH PROFESSIONAL PROVIDED
23 THE INFORMATION DESCRIBED IN SECTION 36-2153, SUBSECTION A, PARAGRAPH 2,
24 AND, OF THOSE WOMEN, THE NUMBER PROVIDED IN THE CAPACITY OF A REFERRING
25 PHYSICIAN AND THE NUMBER PROVIDED IN THE CAPACITY OF A PHYSICIAN WHO IS TO
26 PERFORM THE ABORTION, AND, OF EACH OF THOSE NUMBERS, THE NUMBER PROVIDED
27 BY THE PHYSICIAN AND THE NUMBER PROVIDED BY A PHYSICIAN ASSISTANT, NURSE,
28 PSYCHOLOGIST OR LICENSED BEHAVIORAL HEALTH PROFESSIONAL.

29 3. THE NUMBER OF WOMEN FOR WHOM THE PHYSICIAN OR QUALIFIED PERSON
30 WORKING IN CONJUNCTION WITH THE PHYSICIAN PERFORMED FETAL ULTRASOUND
31 IMAGING AND AUSCULTATION OF FETAL HEART TONE SERVICES DESCRIBED IN SECTION
32 36-2156, SUBSECTION A, PARAGRAPH 1, AND, OF THOSE NUMBERS, THE NUMBER
33 PROVIDED IN THE CAPACITY OF A REFERRING PHYSICIAN AND THE NUMBER PROVIDED
34 IN THE CAPACITY OF A PHYSICIAN WHO IS TO PERFORM THE ABORTION, AND, OF
35 EACH OF THOSE NUMBERS, THE NUMBER PROVIDED BY THE PHYSICIAN AND THE NUMBER
36 PROVIDED BY A QUALIFIED PERSON WORKING IN CONJUNCTION WITH THE PHYSICIAN.

37 4. THE NUMBER OF ABORTIONS PERFORMED BY THE PHYSICIAN IN WHICH
38 INFORMATION REQUIRED BY SECTIONS 36-2153 AND 36-2156 TO BE PROVIDED AT
39 LEAST TWENTY-FOUR HOURS BEFORE THE ABORTION WAS NOT PROVIDED BECAUSE A
40 MEDICAL EMERGENCY COMPELLED THE PERFORMANCE OF AN ABORTION TO AVERT THE
41 WOMAN'S DEATH AND THE NUMBER OF ABORTIONS IN WHICH THIS REQUIRED
42 INFORMATION WAS NOT PROVIDED BECAUSE A MEDICAL EMERGENCY COMPELLED THE
43 PERFORMANCE OF AN ABORTION TO AVERT SUBSTANTIAL AND IRREVERSIBLE
44 IMPAIRMENT OF A MAJOR BODILY FUNCTION OF THE WOMAN.

45 B. THE REPORT MAY NOT IDENTIFY THE INDIVIDUAL PATIENT BY NAME.

1 C. THE REPORT SHALL BE SIGNED BY THE PHYSICIAN WHO PROVIDED TO THE
2 WOMAN THE INFORMATION REQUIRED BY SECTION 36-2153, SUBSECTION A, PARAGRAPH
3 1 OR THE PHYSICIAN WHO DELEGATED THE DUTY TO ANOTHER PERSON AUTHORIZED BY
4 LAW TO PROVIDE TO THE WOMAN THE INFORMATION REQUIRED BY SECTION 36-2153,
5 SUBSECTION A, PARAGRAPH 2 OR SECTION 36-2156, SUBSECTION A, PARAGRAPH 1.
6 THE FORM MAY BE SIGNED ELECTRONICALLY AND SHALL INDICATE THAT THE
7 PHYSICIAN WHO SIGNS THE REPORT IS ATTESTING THAT THE INFORMATION IN THE
8 REPORT IS CORRECT TO THE BEST OF THE PHYSICIAN'S KNOWLEDGE. THE PHYSICIAN
9 MUST TRANSMIT THE REPORT TO THE DEPARTMENT WITHIN FIFTEEN DAYS AFTER THE
10 LAST DAY OF EACH REPORTING MONTH.

11 D. ANY REPORT FILED PURSUANT TO THIS SECTION SHALL BE FILED
12 ELECTRONICALLY AT AN INTERNET WEBSITE THAT IS DESIGNATED BY THE DEPARTMENT
13 UNLESS THE PERSON REQUIRED TO FILE THE REPORT APPLIES FOR A WAIVER FROM
14 ELECTRONIC REPORTING BY SUBMITTING A WRITTEN REQUEST TO THE DEPARTMENT.

15 Sec. 3. Section 36-2163, Arizona Revised Statutes, is amended to
16 read:

17 36-2163. Reports; confidentiality; annual statistical report;
18 violations; classification; unprofessional
19 conduct; penalties

20 A. A report required by this article shall not contain the name of
21 the woman, common identifiers such as the woman's social security number,
22 driver license number or insurance carrier identification numbers or any
23 other information or identifiers that would make it possible to identify
24 in any manner or under any circumstances an individual who has obtained or
25 seeks to obtain an abortion.

26 B. The department of health services shall collect all abortion
27 reports, and complication reports AND INFORMED CONSENT REPORTS and prepare
28 a comprehensive annual statistical report based on the data gathered in
29 the reports. ~~The statistical report shall include a breakdown of the~~
30 ~~number of abortions by gestational age of the unborn child at the time of~~
31 ~~the abortion and the type of procedure performed or prescribed.~~ ALL DATA
32 INCLUDED ON THE FORMS PURSUANT TO SECTIONS 36-2161, 36-2162 AND 36-2162.01
33 SHALL BE INCLUDED IN THE STATISTICAL REPORT, EXCEPT THAT THE DEPARTMENT
34 SHALL CONFIDENTIALLY MAINTAIN THE DATA THAT ALONE OR IN COMBINATION MAY
35 CONSTITUTE INFORMATION FROM WHICH AN INDIVIDUAL HAVING PERFORMED OR HAVING
36 HAD AN ABORTION MAY BE IDENTIFIED USING EPIDEMIOLOGIC PRINCIPLES. The
37 statistical report shall not lead to the disclosure of the identity of any
38 person filing a report or about whom a report is filed. The department
39 shall make the statistical report available on its website and for public
40 inspection and copying.

41 C. The statistical report prepared by the department pursuant to
42 subsection B of this section shall include statistics from the
43 administrative office of the courts containing the following information:

44 1. The number of petitions filed pursuant to section 36-2152,
45 subsection B.

1 2. Of the petitions filed pursuant to section 36-2152, subsection
2 B, the number in which the judge appointed a guardian ad litem or
3 court-appointed counsel for the minor pursuant to section 36-2152,
4 subsection D.
5 3. Of the petitions filed pursuant to section 36-2152, subsection
6 B, the number in which the judge issued an order authorizing an abortion
7 without parental consent.
8 4. Of the petitions filed pursuant to section 36-2152, subsection
9 B, the number in which the judge issued an order denying the petition.
10 5. Of the petitions denied, the number appealed to the court of
11 appeals.
12 6. The number of those appeals that resulted in the denials being
13 affirmed.
14 7. The number of those appeals that resulted in the denial being
15 reversed.
16 D. THE STATISTICAL REPORT PREPARED BY THE DEPARTMENT OF HEALTH
17 SERVICES PURSUANT TO SUBSECTION B OF THIS SECTION SHALL INCLUDE STATISTICS
18 FROM THE DEPARTMENT OF ECONOMIC SECURITY CONTAINING THE FOLLOWING
19 INFORMATION:
20 1. THE TOTAL NUMBER OF ABORTIONS PARTIALLY OR FULLY PAID FOR WITH
21 STATE MONIES THROUGH THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM.
22 2. THE TOTAL AMOUNT OF STATE MONIES USED TO PAY FOR THE ABORTIONS
23 AND EXPENSES INCIDENTAL TO THE ABORTIONS.
24 3. THE TOTAL NUMBER OF ABORTIONS, IF ANY, PAID FOR WITH STATE
25 MONIES AND PERFORMED OUT OF STATE.
26 ~~D~~ E. Except for a statistical report as provided in subsection B
27 of this section, a report filed pursuant to this article is not a public
28 record and is not available for public inspection, except that disclosure
29 may be made to law enforcement officials on an order of a court after
30 application showing good cause. The court may condition disclosure of the
31 information on any appropriate safeguards it may impose.
32 ~~E~~ F. Original copies of all reports filed pursuant to sections
33 36-2161 and 36-2162 shall be available to the Arizona medical board and
34 the Arizona board of osteopathic examiners in medicine and surgery for use
35 in the performance of their official duties. The Arizona medical board
36 and the Arizona board of osteopathic examiners in medicine and surgery
37 shall maintain the confidentiality of any reports obtained pursuant to
38 this subsection.
39 ~~F~~ G. An employee, agent or contractor of the department who
40 wilfully discloses any information obtained from reports filed pursuant to
41 this article, other than disclosure authorized under subsections B, ~~D~~ and
42 E AND F of this section or as otherwise authorized by law, is guilty of a
43 class 3 misdemeanor.
44 ~~G~~ H. A person who is required by this article to file a report,
45 keep any records or supply any information and who wilfully fails to file

1 that report, keep records or supply information as required by law is
2 guilty of unprofessional conduct and is subject to discipline, including
3 license suspension or revocation.

4 H. I. A person who wilfully delivers or discloses to the
5 department any report, record or information known by that person to be
6 false commits a class 1 misdemeanor.

7 I. J. In addition to the penalties prescribed by subsections F, G,
8 and H AND I of this section, an organization or facility that wilfully
9 violates the reporting requirements of this article is subject to
10 discipline by the department, including the civil penalties prescribed in
11 section 36-431.01. If an organization or facility that is licensed
12 pursuant to chapter 4, article 10 of this title wilfully violates the
13 reporting requirements of this article, the department may assess a civil
14 penalty pursuant to section 36-431.01, impose an intermediate sanction
15 pursuant to section 36-427, suspend or revoke a license pursuant to
16 section 36-427, deny a license or bring an action for an injunction
17 pursuant to section 36-430.

ARIZONA LEGISLATIVE COUNCIL

MEMO

January 3, 2018

TO: Senator Nancy Barto
FROM: Michele Hanigsberg, Council Attorney
RE: DHS; reporting; abortions (Folder #1025)

The attached bill draft was requested in your name by Ms. Cathi Herrod. We have sent her a copy of this draft.

This bill draft addresses reporting requirements relating to abortions.

If you have any questions, concerns, comments or revisions to this bill draft, please feel free to contact me at (602) 926-4030.

Attachment

cc: Cathi Herrod

Robert Lane

From: Shannon Whiteaker <Shannon.Whiteaker@azdhs.gov>
Sent: Sunday, January 7, 2018 2:29 PM
To: Cathi Herrod
Cc: Colby Bower; Nancy Barto; Michael Clark
Subject: Re: Abortion Reporting Requirements --Folder 1025 Rough Draft from Michele Hanigsberg

We will take a look. Thank you, Cathi!

Shannon Whiteaker
480/262-9947

On Jan 7, 2018, at 2:11 PM, Cathi Herrod <CHerrod@azpolicy.org> wrote:

Greetings:

Attached please find a draft of a bill making changes to Arizona's abortion reporting requirements. The changes largely are modeled after ones passed in Minnesota and Oklahoma after Arizona passed the initial law several years ago.

We would appreciate any thoughts you have from DHS's perspective regarding the requirements. The intro set has not yet been requested.

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Thanks!

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Cathi Herrod
President
<[image001.png](#)>
602-424-2525 | Fax: 602-424-2530
cherrod@azpolicy.org | www.azpolicy.org

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Sent: Wednesday, January 3, 2018 11:45 AM
To: Nancy Barto <NBarto@azleg.gov>; Cathi Herrod <CHerrod@azpolicy.org>; Cherie Stone <cstone@azleg.gov>
Subject: Folder 1025 Rough Draft from Michele Hanigsberg

<1025.pdf>

<mjh 1025 Barto.pdf>

Robert Lane

From: Shannon Whiteaker <Shannon.Whiteaker@azdhs.gov>
Sent: Tuesday, January 9, 2018 9:09 AM
To: Cathi Herrod; Colby Bower
Cc: Michael Clark
Subject: RE: Abortion Reporting Requirements --Folder 1025 Rough Draft from Michele Hanigsberg

Hi Cathi:

Can you meet with me and Colby in the near future to go over the bill?

From: Cathi Herrod [mailto:CHerrod@azpolicy.org]
Sent: Sunday, January 07, 2018 2:12 PM
To: Colby Bower; Shannon Whiteaker
Cc: Nancy Barto; Michael Clark
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Subject: Folder 1025 Rough Draft from Michele Hanigsberg

Robert Lane

From: Cathi Herrod <CHerrod@azpolicy.org>
Sent: Wednesday, January 10, 2018 1:14 PM
To: Shannon Whiteaker
Cc: Colby Bower; Michael Clark
Subject: Re: Abortion Reporting Requirements --Folder 1025 Rough Draft from Michele Hanigsberg

Of course. Sen. Barto also would like to be part of a meeting.

I am out all next week. I see the intro set prep deadline for senate is Jan 22 the first day I am back.

I might be able to call in especially if we set for next Monday.

Perhaps I can work to set it up.

What does your Monday Jan 15 look like?

Cathi

Sent from my iPhone

On Jan 9, 2018, at 9:11 AM, Shannon Whiteaker <Shannon.Whiteaker@azdhs.gov> wrote:

Hi Cathi:

Can you meet with me and Colby in the near future to go over the bill?

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Sent: Sunday, January 07, 2018 2:12 PM
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Cc: Nancy Barto; Michael Clark
Subject: Abortion Reporting Requirements --Folder 1025 Rough Draft from Michele Hanigsberg

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Cathi

Cathi Herrod

President

<image002.png>

602-424-2525 | Fax: 602-424-2530

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From: Charlene Vossler [<mailto:CVossler@azleg.gov>]

Sent: Wednesday, January 3, 2018 11:45 AM

To: Nancy Barto <NBarto@azleg.gov>; Cathi Herrod <CHerrod@azpolicy.org>; Cherie Stone <cstone@azleg.gov>

Subject: Folder 1025 Rough Draft from Michele Hanigsberg

CONFIDENTIALITY NOTICE: This E-mail is the property of the Arizona Department of Health Services and contains information that may be PRIVILEGED, CONFIDENTIAL or otherwise exempt from disclosure by applicable law. It is intended only for the person(s) to whom it is addressed. If you receive this communication in error, please do not retain or distribute it. Please notify the sender immediately by E-mail at the address shown above and delete the original message. Thank you.

Robert Lane

From: Shannon Whiteaker <Shannon.Whiteaker@azdhs.gov>
Sent: Wednesday, January 10, 2018 1:41 PM
To: Cathi Herrod
Cc: Colby Bower; Michael Clark
Subject: RE: Abortion Reporting Requirements --Folder 1025 Rough Draft from Michele Hanigsberg

Jan 15th is MLK day. The Department is closed as well as the legislature. Besides health house committee on Thursday we are available.

From: Cathi Herrod [<mailto:CHerrod@azpolicy.org>]
Sent: Wednesday, January 10, 2018 1:14 PM
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Cc: Colby Bower; Michael Clark
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<image002.png>

602-424-2525 | Fax: 602-424-2530

cherrod@azpolicy.org | www.azpolicy.org

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Sent: Wednesday, January 3, 2018 11:45 AM

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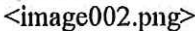
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480/262-9947

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Sent: Friday, January 19, 2018 9:30 AM
To: Colby Bower
Cc: Cathi Herrod
Subject: abortion reporting bill

Colby,
Here is the updated draft from Leg. Council.

Thank you

W. Michael Clark
VP, Policy & General Counsel



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mclark@azpolicy.org | www.azpolicy.org

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Rough Draft
January 18, 2018 11:31 AM
Folder 1025, Drafter MICHELE J. HANIGSBERG

REFERENCE TITLE: DHS; reporting; abortions

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

S. B. _____

Introduced by _____

AN ACT

AMENDING SECTION 36-2161, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 20, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2162.01; AMENDING SECTION 36-2163, ARIZONA REVISED STATUTES; RELATING TO ABORTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 36-2161, Arizona Revised Statutes, is amended to
3 read:
4 36-2161. Abortions; reporting requirements
5 A. A hospital or facility in this state where abortions are
6 performed must submit to the department of health services on a form
7 prescribed by the department a report of each abortion performed in the
8 hospital or facility. The report shall not identify the individual
9 patient by name OR INCLUDE ANY OTHER INFORMATION OR IDENTIFIER THAT WOULD
10 MAKE IT POSSIBLE TO IDENTIFY, IN ANY MANNER OR UNDER ANY CIRCUMSTANCES, A
11 WOMAN WHO HAS OBTAINED OR SOUGHT TO OBTAIN AN ABORTION, but THE REPORT
12 must include the following information:
13 1. The name and address of the facility where the abortion was
14 performed.
15 2. The type of facility where the abortion was performed.
16 3. The county where the abortion was performed.
17 4. The woman's age.
18 5. The woman's educational background by highest grade completed
19 and, if applicable, level of college completed.
20 6. The county and state in which the woman resides.
21 7. The woman's race and ethnicity.
22 8. The woman's marital status.
23 9. The number of prior pregnancies and prior abortions of the
24 woman.
25 10. The number of previous spontaneous terminations of pregnancy of
26 the woman.
27 11. The gestational age of the unborn child at the time of the
28 abortion.
29 12. The reason for the abortion, including ~~whether the abortion is~~
30 ~~elective or due to maternal or fetal health considerations~~ AT LEAST ONE OF
31 THE FOLLOWING:
32 (a) ECONOMIC REASONS.
33 (b) THE WOMAN DOES NOT WANT CHILDREN AT THIS TIME.
34 (c) THE WOMAN'S EMOTIONAL HEALTH IS AT STAKE.
35 (d) THE WOMAN'S PHYSICAL HEALTH IS AT STAKE.
36 (e) THE WOMAN WILL SUFFER SUBSTANTIAL IMPAIRMENT OF A MAJOR BODILY
37 FUNCTION IF THE PREGNANCY CONTINUES.
38 (f) THE PREGNANCY WAS THE RESULT OF RAPE.
39 (g) THE PREGNANCY WAS THE RESULT OF INCEST.
40 (h) THE PREGNANCY RESULTED IN FETAL ANOMALIES.
41 (i) RELATIONSHIP ISSUES, INCLUDING ABUSE, SEPARATION, DIVORCE AND
42 EXTRAMARITAL AFFAIRS.
43 (j) OTHER.
44 (k) UNKNOWN OR THE WOMAN REFUSED TO ANSWER.

1 13. The type of procedure performed or prescribed and the date of
2 the abortion.
3 14. Any preexisting medical conditions of the woman that would
4 complicate pregnancy. ~~and~~
5 15. Any known medical complication that resulted from the
6 abortion, INCLUDING AT LEAST ONE OF THE FOLLOWING:
7 (a) SHOCK.
8 (b) UTERINE PERFORATION.
9 (c) CERVICAL LACERATION REQUIRING SUTURE OR REPAIR.
10 (d) HEAVY BLEEDING OR HEMORRHAGE WITH ESTIMATED BLOOD LOSS OF AT
11 LEAST FIVE HUNDRED CUBIC CENTIMETERS.
12 (e) ASPIRATION OR ALLERGIC RESPONSE.
13 (f) POSTPROCEDURE INFECTION.
14 (g) SEPSIS.
15 (h) INCOMPLETE ABORTION RETAINING PART OF THE FETUS REQUIRING
16 RE-EVACUATION.
17 (i) DAMAGE TO THE UTERUS.
18 (j) FAILED TERMINATION OF PREGNANCY.
19 (k) DEATH OF THE PATIENT.
20 (l) OTHER.
21 (m) NONE.
22 ~~15.~~ 16. The basis for any medical judgment that a medical
23 emergency existed that excused the physician from compliance with the
24 requirements of this chapter.
25 ~~16.~~ 17. The physician's statement if required pursuant to section
26 36-2301.01.
27 ~~17.~~ 18. If applicable, the weight of the aborted fetus for any
28 abortion performed pursuant to section 36-2301.01.
29 ~~18.~~ 19. Whether a fetus or embryo was delivered alive as defined
30 in section 36-2301 during or immediately after an attempted abortion and
31 the efforts made to promote, preserve and maintain the life of the fetus
32 or embryo pursuant to section 36-2301.
33 ~~19.~~ 20. Statements by the physician and all clinical staff who
34 observed the fetus or embryo during or immediately after the abortion
35 certifying under penalty of perjury that, to the best of their knowledge,
36 the aborted fetus or embryo was not delivered alive as defined in section
37 36-2301.
38 21. THE MEDICAL SPECIALTY OF THE PHYSICIAN PERFORMING THE ABORTION,
39 INCLUDING ONE OF THE FOLLOWING:
40 (a) OBSTETRICS-GYNECOLOGY.
41 (b) GENERAL OR FAMILY PRACTICE.
42 (c) EMERGENCY MEDICINE.
43 (d) OTHER.
44 22. THE TYPE OF ADMISSION FOR THE PATIENT, INCLUDING WHETHER THE
45 ABORTION WAS PERFORMED:

1 (a) AS AN OUTPATIENT PROCEDURE IN AN ABORTION CLINIC.
2 (b) AS AN OUTPATIENT PROCEDURE AT A HOSPITAL.
3 (c) AS AN INPATIENT PROCEDURE AT A HOSPITAL.
4 (d) AS AN OUTPATIENT PROCEDURE AT A HEALTH CARE INSTITUTION OTHER
5 THAN AN ABORTION CLINIC OR HOSPITAL.
6 23. WHETHER ANESTHESIA WAS ADMINISTERED TO THE MOTHER.
7 24. WHETHER ANESTHESIA WAS ADMINISTERED TO THE UNBORN CHILD.
8 B. The report must be signed by the physician who performed the
9 abortion or, if a health professional other than a physician is authorized
10 by law to prescribe or administer abortion medication, the signature and
11 title of the person who prescribed or administered the abortion
12 medication. The form may be signed electronically and shall indicate that
13 the person who signs the report is attesting that the information in the
14 report is correct to the best of the person's knowledge. The hospital or
15 facility must transmit the report to the department within fifteen days
16 after the last day of each reporting month.
17 C. Any report filed pursuant to this section shall be filed
18 electronically at an internet website that is designated by the department
19 unless the person required to file the report applies for a waiver from
20 electronic reporting by submitting a written request to the department.
21 Sec. 2. Title 36, chapter 20, article 2, Arizona Revised Statutes,
22 is amended by adding section 36-2162.01, to read:
23 36-2162.01. Informed consent; reporting requirements
24 A. A PHYSICIAN IN THIS STATE WHO PROVIDES INFORMED CONSENT
25 INFORMATION REGARDING ABORTION PURSUANT TO SECTION 36-2153 OR PERFORMS
26 FETAL ULTRASOUND IMAGING AND AUSCULTATION OF FETAL HEART TONE SERVICES
27 PURSUANT TO SECTION 36-2156 OR WHO DELEGATES TO A PERSON AUTHORIZED BY
28 SECTION 36-2153 OR 36-2156 THE DUTY TO PROVIDE THE INFORMATION OR SERVICES
29 REQUIRED BY THOSE SECTIONS SHALL SUBMIT TO THE DEPARTMENT OF HEALTH
30 SERVICES ON A FORM PRESCRIBED BY THE DEPARTMENT A REPORT THAT INCLUDES THE
31 FOLLOWING INFORMATION:
32 1. THE NUMBER OF WOMEN TO WHOM THE PHYSICIAN PROVIDED THE
33 INFORMATION DESCRIBED IN SECTION 36-2153, SUBSECTION A, PARAGRAPH 1, AND,
34 OF THOSE WOMEN, THE NUMBER PROVIDED IN THE CAPACITY OF A REFERRING
35 PHYSICIAN AND THE NUMBER PROVIDED IN THE CAPACITY OF A PHYSICIAN WHO IS TO
36 PERFORM THE ABORTION.
37 2. THE NUMBER OF WOMEN TO WHOM THE PHYSICIAN, PHYSICIAN ASSISTANT,
38 NURSE, PSYCHOLOGIST OR LICENSED BEHAVIORAL HEALTH PROFESSIONAL PROVIDED
39 THE INFORMATION DESCRIBED IN SECTION 36-2153, SUBSECTION A, PARAGRAPH 2,
40 AND, OF THOSE WOMEN, THE NUMBER PROVIDED IN THE CAPACITY OF A REFERRING
41 PHYSICIAN AND THE NUMBER PROVIDED IN THE CAPACITY OF A PHYSICIAN WHO IS TO
42 PERFORM THE ABORTION, AND, OF EACH OF THOSE NUMBERS, THE NUMBER PROVIDED
43 BY THE PHYSICIAN AND THE NUMBER PROVIDED BY A PHYSICIAN ASSISTANT, NURSE,
44 PSYCHOLOGIST OR LICENSED BEHAVIORAL HEALTH PROFESSIONAL.

1 3. THE NUMBER OF WOMEN FOR WHOM THE PHYSICIAN OR QUALIFIED PERSON
2 WORKING IN CONJUNCTION WITH THE PHYSICIAN PERFORMED FETAL ULTRASOUND
3 IMAGING AND AUSCULTATION OF FETAL HEART TONE SERVICES DESCRIBED IN SECTION
4 36-2156, SUBSECTION A, PARAGRAPH 1, AND, OF THOSE NUMBERS, THE NUMBER
5 PROVIDED IN THE CAPACITY OF A REFERRING PHYSICIAN AND THE NUMBER PROVIDED
6 IN THE CAPACITY OF A PHYSICIAN WHO IS TO PERFORM THE ABORTION, AND, OF
7 EACH OF THOSE NUMBERS, THE NUMBER PROVIDED BY THE PHYSICIAN AND THE NUMBER
8 PROVIDED BY A QUALIFIED PERSON WORKING IN CONJUNCTION WITH THE PHYSICIAN.

9 4. THE NUMBER OF ABORTIONS PERFORMED BY THE PHYSICIAN IN WHICH
10 INFORMATION REQUIRED BY SECTIONS 36-2153 AND 36-2156 TO BE PROVIDED AT
11 LEAST TWENTY-FOUR HOURS BEFORE THE ABORTION WAS NOT PROVIDED BECAUSE A
12 MEDICAL EMERGENCY COMPELLED THE PERFORMANCE OF AN ABORTION TO AVERT THE
13 WOMAN'S DEATH AND THE NUMBER OF ABORTIONS IN WHICH THIS REQUIRED
14 INFORMATION WAS NOT PROVIDED BECAUSE A MEDICAL EMERGENCY COMPELLED THE
15 PERFORMANCE OF AN ABORTION TO AVERT SUBSTANTIAL AND IRREVERSIBLE
16 IMPAIRMENT OF A MAJOR BODILY FUNCTION OF THE WOMAN.

17 B. THE REPORT MAY NOT IDENTIFY THE INDIVIDUAL PATIENT BY NAME OR
18 INCLUDE ANY OTHER INFORMATION OR IDENTIFIER THAT WOULD MAKE IT POSSIBLE TO
19 IDENTIFY, IN ANY MANNER OR UNDER ANY CIRCUMSTANCES, A WOMAN WHO HAS
20 OBTAINED OR SOUGHT TO OBTAIN AN ABORTION.

21 C. THE REPORT SHALL BE SIGNED BY THE PHYSICIAN WHO PROVIDED TO THE
22 WOMAN THE INFORMATION REQUIRED BY SECTION 36-2153, SUBSECTION A, PARAGRAPH
23 1 OR THE PHYSICIAN WHO DELEGATED THE DUTY TO ANOTHER PERSON AUTHORIZED BY
24 LAW TO PROVIDE TO THE WOMAN THE INFORMATION REQUIRED BY SECTION 36-2153,
25 SUBSECTION A, PARAGRAPH 2 OR SECTION 36-2156, SUBSECTION A, PARAGRAPH 1.
26 THE FORM MAY BE SIGNED ELECTRONICALLY AND SHALL INDICATE THAT THE
27 PHYSICIAN WHO SIGNS THE REPORT IS ATTESTING THAT THE INFORMATION IN THE
28 REPORT IS CORRECT TO THE BEST OF THE PHYSICIAN'S KNOWLEDGE. THE PHYSICIAN
29 MUST TRANSMIT THE REPORT TO THE DEPARTMENT WITHIN FIFTEEN DAYS AFTER THE
30 LAST DAY OF EACH REPORTING MONTH.

31 D. ANY REPORT FILED PURSUANT TO THIS SECTION SHALL BE FILED
32 ELECTRONICALLY AT AN INTERNET WEBSITE THAT IS DESIGNATED BY THE DEPARTMENT
33 UNLESS THE PERSON REQUIRED TO FILE THE REPORT APPLIES FOR A WAIVER FROM
34 ELECTRONIC REPORTING BY SUBMITTING A WRITTEN REQUEST TO THE DEPARTMENT.

35 Sec. 3. Section 36-2163, Arizona Revised Statutes, is amended to
36 read:

37 36-2163. Reports; confidentiality; annual statistical report;
38 violations; _____ classification; _____ unprofessional
39 conduct; penalties

40 A. A report required by this article shall not contain the name of
41 the woman, common identifiers such as the woman's social security number,
42 driver license number or insurance carrier identification numbers or any
43 other information or identifiers that would make it possible to identify
44 in any manner or under any circumstances an individual who has obtained or
45 seeks to obtain an abortion.

1 B. The department of health services shall collect all abortion
2 reports, and complication reports AND INFORMED CONSENT REPORTS and prepare
3 a comprehensive annual statistical report based on the data gathered in
4 the reports. The statistical report shall include a breakdown of the
5 number of abortions by gestational age of the unborn child at the time of
6 the abortion and the type of procedure performed or prescribed. THE
7 STATISTICAL REPORT SHALL INCLUDE A BREAKDOWN BY MONTH OF THE REASONS FOR
8 ABORTIONS PURSUANT TO SECTION 36-2161 AND A BREAKDOWN BY MONTH OF THE
9 NUMBER OF ABORTIONS PERFORMED OR PRESCRIBED BY EACH HOSPITAL AND FACILITY
10 PURSUANT TO SECTION 36-2161. ALL DATA INCLUDED ON THE FORMS PURSUANT TO
11 SECTIONS 36-2161, 36-2162 AND 36-2162.01 SHALL BE INCLUDED IN THE
12 STATISTICAL REPORT, EXCEPT THAT THE DEPARTMENT SHALL CONFIDENTIALLY
13 MAINTAIN THE DATA THAT ALONE OR IN COMBINATION MAY CONSTITUTE INFORMATION
14 FROM WHICH AN INDIVIDUAL PERFORMING OR HAVING AN ABORTION MAY BE
15 IDENTIFIED USING EPIDEMIOLOGIC PRINCIPLES. The statistical report shall
16 not lead to the disclosure of the identity of any person filing a report
17 or about whom a report is filed. The department shall make the
18 statistical report available on its website and for public inspection and
19 copying.

20 C. The statistical report prepared by the department pursuant to
21 subsection B of this section shall include statistics from the
22 administrative office of the courts containing the following information:

23 1. The number of petitions filed pursuant to section 36-2152,
24 subsection B.

25 2. Of the petitions filed pursuant to section 36-2152, subsection
26 B, the number in which the judge appointed a guardian ad litem or
27 court-appointed counsel for the minor pursuant to section 36-2152,
28 subsection D.

29 3. Of the petitions filed pursuant to section 36-2152, subsection
30 B, the number in which the judge issued an order authorizing an abortion
31 without parental consent.

32 4. Of the petitions filed pursuant to section 36-2152, subsection
33 B, the number in which the judge issued an order denying the petition.

34 5. Of the petitions denied, the number appealed to the court of
35 appeals.

36 6. The number of those appeals that resulted in the denials being
37 affirmed.

38 7. The number of those appeals that resulted in the denial being
39 reversed.

40 D. THE STATISTICAL REPORT PREPARED BY THE DEPARTMENT PURSUANT TO
41 SUBSECTION B OF THIS SECTION SHALL INCLUDE STATISTICS FROM THE ARIZONA
42 HEALTH CARE COST CONTAINMENT SYSTEM CONTAINING THE FOLLOWING INFORMATION:

43 1. THE TOTAL NUMBER OF ABORTIONS PARTIALLY OR FULLY PAID FOR WITH
44 STATE MONIES THROUGH THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM.

1 2. THE TOTAL AMOUNT OF STATE MONIES USED TO PAY FOR THE ABORTIONS
2 AND EXPENSES INCIDENTAL TO THE ABORTIONS.

3 3. THE TOTAL NUMBER OF ABORTIONS, IF ANY, PAID FOR WITH STATE
4 MONIES AND PERFORMED OUT OF STATE.

5 ~~D~~. E. Except for a statistical report as provided in subsection B
6 of this section, a report filed pursuant to this article is not a public
7 record and is not available for public inspection, except that disclosure
8 may be made to law enforcement officials on an order of a court after
9 application showing good cause. The court may condition disclosure of the
10 information on any appropriate safeguards it may impose.

11 ~~F~~. F. Original copies of all reports filed pursuant to sections
12 36-2161 and 36-2162 shall be available to the Arizona medical board and
13 the Arizona board of osteopathic examiners in medicine and surgery for use
14 in the performance of their official duties. The Arizona medical board
15 and the Arizona board of osteopathic examiners in medicine and surgery
16 shall maintain the confidentiality of any reports obtained pursuant to
17 this subsection.

18 ~~F~~. G. An employee, agent or contractor of the department who
19 wilfully discloses any information obtained from reports filed pursuant to
20 this article, other than disclosure authorized under subsections B, ~~D~~ and
21 E AND F of this section or as otherwise authorized by law, is guilty of a
22 class 3 misdemeanor.

23 ~~H~~. H. A person who is required by this article to file a report,
24 keep any records or supply any information and who wilfully fails to file
25 that report, keep records or supply information as required by law is
26 guilty of unprofessional conduct and is subject to discipline, including
27 license suspension or revocation.

28 ~~H~~. I. A person who wilfully delivers or discloses to the
29 department any report, record or information known by that person to be
30 false commits a class 1 misdemeanor.

31 ~~J~~. J. In addition to the penalties prescribed by subsections ~~F~~, G,
32 and H AND I of this section, an organization or facility that wilfully
33 violates the reporting requirements of this article is subject to
34 discipline by the department, including the civil penalties prescribed in
35 section 36-431.01. If an organization or facility that is licensed
36 pursuant to chapter 4, article 10 of this title wilfully violates the
37 reporting requirements of this article, the department may assess a civil
38 penalty pursuant to section 36-431.01, impose an intermediate sanction
39 pursuant to section 36-427, suspend or revoke a license pursuant to
40 section 36-427, deny a license or bring an action for an injunction
41 pursuant to section 36-430.

42 Sec. 4. Effective date

43 This act is effective from and after December 31, 2018.

Robert Lane

From: Cathi Herrod <CHerrod@azpolicy.org>
Sent: Saturday, March 3, 2018 12:08 PM
To: Colby Bower
Subject: Re: dhs form - ignore

We figured it out.

Thanks

Cathi Herrod
Please excuse any typos.
Sent from my iPad

On Mar 3, 2018, at 11:37 AM, Cathi Herrod <CHerrod@azpolicy.org> wrote:

Hi Colby:

On the DHS website, the abortion form has a drop down menu for the reason for the termination. It's linked below.

Can you let me know what the choices are currently when one fills out the form?

Thanks.

Cathi Herrod
Please excuse any typos.
Sent from my iPad

Begin forwarded message:

From:
Date: March 3, 2018 at 9:50:47 AM MST
To: Cathi Herrod <cherrod@azpolicy.org>
Subject: dhs form

<http://www.azdhs.gov/documents/preparedness/public-health-statistics/abortions/abortion-procedure-report-form.pdf>

Robert Lane

From: Cathi Herrod <CHerrod@azpolicy.org>
Sent: Thursday, March 8, 2018 12:52 PM
To: Colby Bower
Subject: RE: couple of questions

Thanks!

Cathi Herrod
President



602-424-2525 | Fax: 602-424-2530
cherrod@azpolicy.org | www.azpolicy.org

From: Colby Bower [<mailto:Colby.Bower@azdhs.gov>]
Sent: Thursday, March 8, 2018 9:36 AM
To: Cathi Herrod <CHerrod@azpolicy.org>
Subject: Re: couple of questions

Cathi,

Couple of moving parts. I believe we are going to post a REVISED draft on Friday. But these are really just working drafts, these are the pre-work we like to do with the public and stakeholders to get the rules ready to go for the official process.

I also believe we will be sending a meeting notice for stakeholders to discuss the drafts, so its an opportunity to sit and discuss with our stakeholders additional changes or alternations your organization wants to see. This folds into your question, we haven't established a "closed record" date yet, so you have time and we are just starting the process. You can submit a comment anytime via E-mail to myself or by letter until we close the record. And that's a ways off.

Your second question, I believe the abortion reporting is the only instance in law where we ask such questions.

Sent from my iPad

On Mar 8, 2018, at 7:04 AM, Cathi Herrod <CHerrod@azpolicy.org> wrote:

1) Re the abortion delivered alive regs, can you confirm for me the deadline for any comments? I think I now understand the highlighted parts. They look really good but we still may want to submit a comment from a doctor or two.

2) Re data reporting, can you think of any other medical procedure for which DHS gets data from the provider about the patient similar to asking why the patient is having the procedure? Or would the abortion reporting requirements be the only instance that happens in current law?

As always, thanks!

Cathi

Cathi Herrod

President

<image001.png>

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cherrod@azpolicy.org | www.azpolicy.org

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Robert Lane

From: Cathi Herrod <CHerrod@azpolicy.org>
Sent: Monday, March 12, 2018 5:50 AM
To: Colby Bower
Cc: Michael Clark
Subject: 1394 --my latest question

Hi Colby:

Current law states the abortion report must include the following information: "The reason for the abortion, including whether the abortion is elective or due to maternal or fetal health considerations."

Then on the abortion report form online, it has a drop-down menu "reason for termination" that includes only

Elective
Medical –mother
Medical –fetus anencephaly
Medical –fetus spina bifida
Medical – fetus other

My question: Am I correct then that DHS only gets whether the abortion was elective or whether it was for one of those medical reasons?

Previously we had thought it was more a fill in the blank so DHS might be getting thousands of reasons why elective but not in a format that was reportable. Hence, that's why 1394 is structured to give several reasons.

Thanks –
Cathi

Cathi Herrod
President



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cherrod@azpolicy.org | www.azpolicy.org

Robert Lane

From: Ruthann Smejkal <Ruthann.Smejkal@azdhs.gov>
Sent: Monday, March 26, 2018 2:59 PM
To: Ruthann Smejkal
Cc: Kathryn McCanna; William Alcock; Robert Lane; Colby Bower
Subject: Reminder of Abortion Clinics Workgroup Meeting
Attachments: Map - ADHS.pdf

Thank you very much for your interest in the Abortion Clinics rulemaking. This is a reminder of the meeting on **Wednesday, March 28 from 1-4** to discuss the March draft rules. The draft rules are available on the Department's webpage for the rulemaking at:

<http://azdhs.gov/director/administrative-counsel-rules/rules/index.php#rulemakings-active-abortion-clinics>

To better accommodate all individuals invited to participate, we are moving the location of the meeting into a larger room. Please note that the March Workgroup Meeting will now take place at the State Lab's large conference room – **250 N 17th Avenue**, in Phoenix. The building is just East of the parking garage. A map of the area is attached for your convenience.

Please let me know if you have any questions. We look forward to seeing you on Wednesday.

Ruthann

Ruthann M. Smejkal, Ph.D.

Senior Rules Analyst

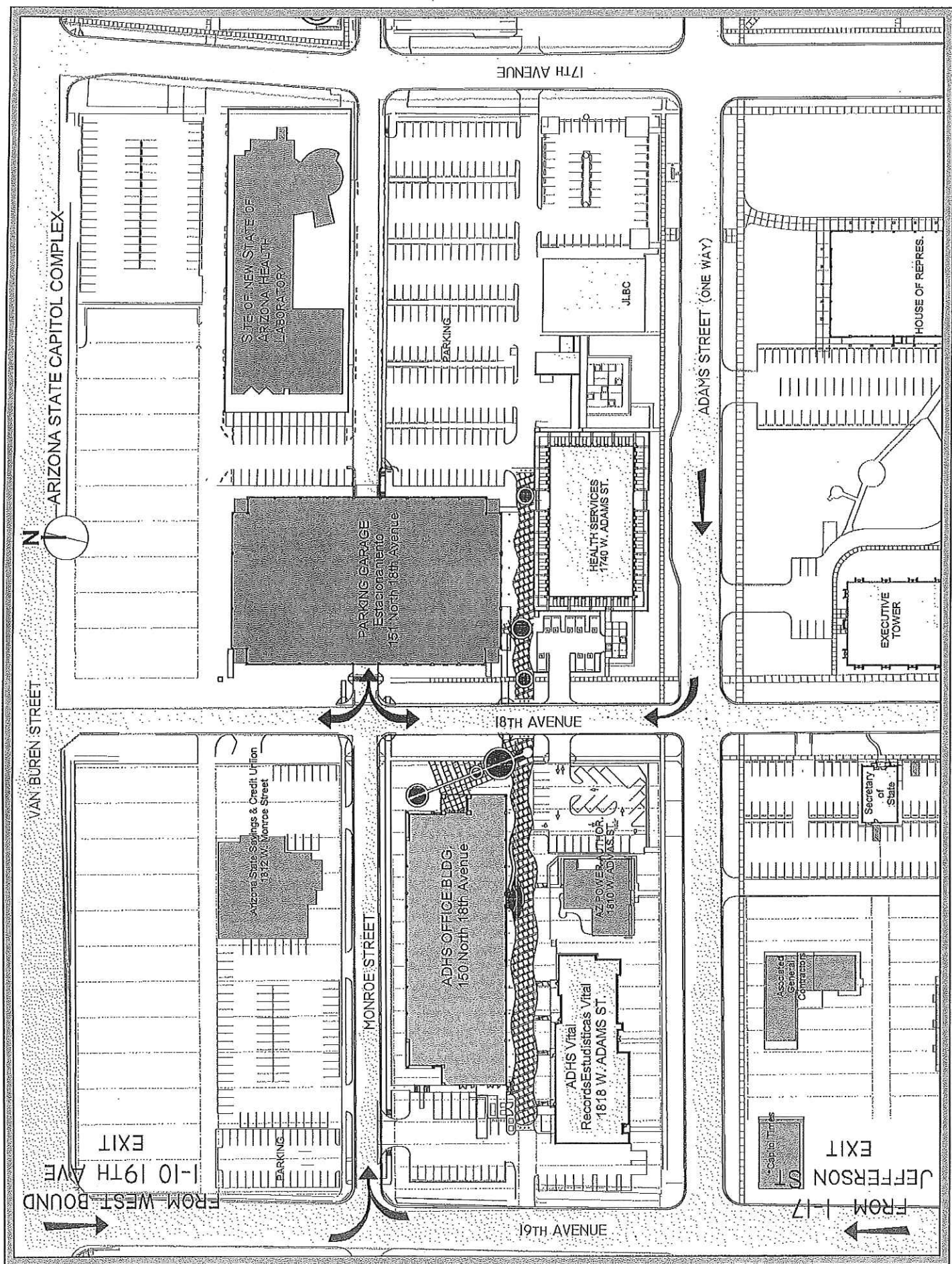
Arizona Department of Health Services

150 North 18th Avenue, Suite 200, Phoenix, AZ 85007

Direct 602-364-1230

Email ruthann.smejkal@azdhs.gov

Health and Wellness for all Arizonans



Robert Lane

From: Cathi Herrod <CHerrod@azpolicy.org>
Sent: Thursday, March 29, 2018 5:52 AM
To: Ruthann Smejkal
Cc: Colby Bower
Subject: RE: Reminder of Abortion Clinics Workgroup Meeting

Thank you for how you led yesterday's meeting. Very well-done.

Cathi

Cathi Herrod
President



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cherrod@azpolicy.org | www.azpolicy.org

From: Ruthann Smejkal [<mailto:Ruthann.Smejkal@azdhs.gov>]
Sent: Monday, March 26, 2018 2:59 PM
To: Ruthann Smejkal <Ruthann.Smejkal@azdhs.gov>
Cc: Kathryn McCanna <Kathryn.McCanna@azdhs.gov>; William Alcock <William.Alcock@azdhs.gov>; Robert Lane <Robert.Lane@azdhs.gov>; Colby Bower <Colby.Bower@azdhs.gov>
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Robert Lane

From: Ruthann Smejkal <Ruthann.Smejkal@azdhs.gov>
Sent: Thursday, April 12, 2018 3:09 PM
To: Ruthann Smejkal
Cc: Robert Lane; Kirin Goff; Kathryn McCanna; William Alcock; Margaret Ohton; Colby Bower
Subject: Second Workgroup Meeting For Abortion Clinics and Hospitals
Attachments: Agenda April 25 2018.docx

Thank you to those who participated in the Workgroup Meeting on March 28, 2018 to discuss the changes being made to the rules in 9 A.A.C. 10, Article 15 for Abortion Clinics to comply with Laws 2017, Ch. 133. We appreciate the input received. Notes from the March 28 meeting and draft changes to hospital rules in 9 A.A.C. 10, Article 2, to comply with Laws 2017, Ch. 133, have been posted on the Department's webpage for the rulemaking at:
<http://azdhs.gov/director/administrative-counsel-rules/rules/index.php#rulemakings-active-abortion-clinics>

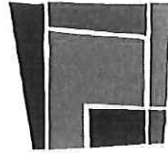
As mentioned during the March Workgroup Meeting, our second Workgroup Meeting will be on **Wednesday, April 25, from 1:00 to 4:00 p.m.** in the **Department's building at 150 N. 18th Avenue, Phoenix, 85007, 4th Floor Training Room.** On-site attendance is preferred, although teleconferencing may also be available to achieve adequate representation of all stakeholders groups. **Please let me know if you can attend the April meeting, need to participate through teleconferencing, or will not be able to participate and will be sending another representative.**

Attached is an agenda for the April 25 meeting. We will discuss the posted Workgroup Meeting Notes before beginning to review the draft rule changes for hospitals. If you cannot attend the meeting, but want to provide comments, an online survey is also available on the Department's webpage for the rulemaking.

We look forward to seeing you on April 25 and to your participation during the rulemaking.

Ruthann

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Health and Wellness for all Arizonans



ARIZONA DEPARTMENT
OF HEALTH SERVICES

ABORTION CLINIC RULEMAKING

AGENDA

APRIL 25, 2018

1:00 to 4:00 p.m.

150 N. 18th Avenue, 4th Floor Training Room

1. Opening and Introductions
2. Meeting Purpose
3. Review of Meeting Notes from March 28, 2018
4. Review of Prospective Rule Changes to Hospital Rules
5. Closing Comments – Next Steps

Douglas A. Ducey | Governor Cara M. Christ, MD, MS | Director

Robert Lane

From: Cathi Herrod <CHerrod@azpolicy.org>
Sent: Tuesday, April 24, 2018 9:28 AM
To: Ruthann Smejkal
Subject: RE: Second Workgroup Meeting For Abortion Clinics and Hospitals

I plan to attend tomorrow's meeting.

Cathi Herrod
President



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cherrod@azpolicy.org | www.azpolicy.org

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Sent: Thursday, April 12, 2018 3:09 PM
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Robert Lane

From: Ruthann Smejkal <Ruthann.Smejkal@azdhs.gov>
Sent: Tuesday, April 24, 2018 9:29 AM
To: 'Cathi Herrod'
Subject: RE: Second Workgroup Meeting For Abortion Clinics and Hospitals

Thank you for your response. See you then.

From: Cathi Herrod [mailto:CHerrod@azpolicy.org]
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Ruthann

Ruthann M. Smejkal, Ph.D.

Senior Rules Analyst

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150 North 18th Avenue, Suite 200, Phoenix, AZ 85007

Direct 602-364-1230

Email ruthann.smejkal@azdhs.gov

Health and Wellness for all Arizonans

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Robert Lane

From: Cathi Herrod <CHerrod@azpolicy.org>
Sent: Sunday, April 29, 2018 7:13 AM
To: Ruthann Smejkal
Cc: colby.bower@azdhs.gov; Michael Clark
Subject: Comments on survey

Hi –

I submitted comments. I did not see a place in which to identify the comments came from me.

Are the comments intended to be anonymous? Or do you get the name of the individual via the survey monkey tool?

Are the comments submitted by others available pursuant to a public information request?

Thanks!

Cathi

Cathi Herrod
President



602-424-2525 | Fax: 602-424-2530
cherrod@azpolicy.org | www.azpolicy.org

From: Ruthann Smejkal [<mailto:Ruthann.Smejkal@azdhs.gov>]
Sent: Thursday, April 12, 2018 3:09 PM
To: Ruthann Smejkal <Ruthann.Smejkal@azdhs.gov>
Cc: Robert Lane <Robert.Lane@azdhs.gov>; Kirin Goff <Kirin.Goff@azdhs.gov>; Kathryn McCanna <Kathryn.McCanna@azdhs.gov>; William Alcock <William.Alcock@azdhs.gov>; Margaret Ohton <Margaret.Ohton@azdhs.gov>; Colby Bower <Colby.Bower@azdhs.gov>
Subject: Second Workgroup Meeting For Abortion Clinics and Hospitals

Thank you to those who participated in the Workgroup Meeting on March 28, 2018 to discuss the changes being made to the rules in 9 A.A.C. 10, Article 15 for Abortion Clinics to comply with Laws 2017, Ch. 133. We appreciate the input received. Notes from the March 28 meeting and draft changes to hospital rules in 9 A.A.C. 10, Article 2, to comply with Laws 2017, Ch. 133, have been posted on the Department's webpage for the rulemaking at:
<http://azdhs.gov/director/administrative-counsel-rules/rules/index.php#rulemakings-active-abortion-clinics>

As mentioned during the March Workgroup Meeting, our second Workgroup Meeting will be on **Wednesday, April 25, from 1:00 to 4:00 p.m.** in the Department's building at **150 N. 18th Avenue, Phoenix, 85007, 4th Floor Training Room**. On-site attendance is preferred, although teleconferencing may also be available to achieve adequate representation of all stakeholders groups. **Please let me know if you can attend the April meeting, need to participate through teleconferencing, or will not be able to participate and will be sending another representative.**

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We look forward to seeing you on April 25 and to your participation during the rulemaking.

Ruthann

Ruthann M. Smejkal, Ph.D.

Senior Rules Analyst

Arizona Department of Health Services

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From: Ruthann Smejkal <Ruthann.Smejkal@azdhs.gov>
Sent: Monday, April 30, 2018 3:59 PM
To: Cathi Herrod
Cc: Colby Bower; Michael Clark; Robert Lane
Subject: RE: Comments on survey

Cathi,

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Thanks, again, for your input.

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Sent: Thursday, April 12, 2018 3:09 PM

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Sent: Monday, April 30, 2018 4:09 PM
To: Ruthann Smejkal
Cc: Colby Bower; Michael Clark; Robert Lane
Subject: Re: Comments on survey

Thanks for the reply.

We appreciate the work.

Cathi Herrod
Please excuse any typos.
Sent from my iPad

On Apr 30, 2018, at 3:58 PM, Ruthann Smejkal <Ruthann.Smejkal@azdhs.gov> wrote:

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<image001.png>
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